

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10, SUBREGION 11**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 10-CA-214017**

**AMERICAN POSTAL WORKERS UNION, AFL-  
CIO, LOCAL 984**

**and**

**Cases 10-CA-214106**

**AMERICAN POSTAL WORKERS UNION, AFL-  
CIO, LOCAL 375**

**10-CA-214107**

**10-CA-214109**

**10-CA-214111**

**10-CA-214112**

**10-CA-214114**

**10-CA-214133**

**10-CA-214143**

**10-CA-214160**

**10-CA-214175**

**10-CA-214180**

**10-CA-214182**

**10-CA-214188**

**10-CA-214201**

**10-CA-214203**

**10-CA-214217**

**10-CA-214223**

**10-CA-214228**

**10-CA-214235**

**10-CA-214237**

**10-CA-214268**

**10-CA-214277**

**10-CA-214288**

**10-CA-214298**

**10-CA-214304**

**10-CA-214309**

**10-CA-214315**

**10-CA-214434**

**10-CA-214436**

**10-CA-214448**

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED** that Case 10-CA-214017, which is based on a charge filed by American Postal Workers Union, AFL-CIO, Local 984 (Local 984), and Cases 10-CA-214106, 10-CA-214107, 10-CA-214109, 10-CA-214111, 10-CA-214112, 10-CA-214114, 10-CA-214133, 10-CA-214143, 10-CA-214160, 10-CA-214175, 10-CA-214180, 10-CA-214182, 10-CA-214188, 10-CA-214201, 10-CA-214203, 10-CA-214217, 10-CA-214223, 10-CA-214228, 10-CA-214235, 10-CA-214237, 10-CA-214268, 10-CA-214277, 10-CA-214288, 10-CA-214298, 10-CA-214304, 10-CA-214309, 10-CA-214315, 10-CA-214434, 10-CA-214436, and 10-CA-214448, which are based on charges filed by American Postal Workers Union, AFL-CIO, Local 375 (Local 375), against United States Postal Service (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), the Postal Reorganization Act, 39 U.S.C. § 101 et seq. (PRA), and Section 102.15 of the Board's Rules and Regulations, and alleges that Respondent has violated the Act as described below.

1.

Local 984 and Local 375, respectively, filed the charges and amended charges as set forth in the following table, and copies were served on Respondent by electronic means, based on the Respondent's prior agreement, on the dates indicated:

<u>Case</u>	<u>Amendment</u>	<u>Charging Party</u>	<u>Date Filed</u>	<u>Date Served</u>
10-CA-214017		Local 984	02.01.2018	02.01.2018
10-CA-214106		Local 375	02.02.2018	02.05.2018
10-CA-214107		Local 375	02.02.2018	02.02.2018
	First	Local 375	04.25.2018	04.26.2018
10-CA-214109		Local 375	02.02.2018	02.05.2018
10-CA-214111		Local 375	02.02.2018	02.05.2018
10-CA-214112		Local 375	02.02.2018	02.05.2018
10-CA-214114		Local 375	02.02.2018	02.05.2018
10-CA-214133		Local 375	02.02.2018	02.02.2018
10-CA-214143		Local 375	02.02.2018	02.02.2018
10-CA-214160		Local 375	02.02.2018	02.05.2018
10-CA-214175		Local 375	02.02.2018	02.05.2018
10-CA-214180		Local 375	02.02.2018	02.05.2018
	First	Local 375	04.25.2018	04.26.2018
10-CA-214182		Local 375	02.02.2018	02.10.2018
10-CA-214188		Local 375	02.02.2018	02.05.2018
10-CA-214201		Local 375	02.02.2018	02.05.2018
10-CA-214203		Local 375	02.02.2018	02.05.2018
10-CA-214217		Local 375	02.02.2018	02.06.2018
10-CA-214223		Local 375	02.02.2018	02.05.2018
10-CA-214228		Local 375	02.05.2018	02.06.2018
10-CA-214235		Local 375	02.02.2018	02.05.2018

10-CA-214237		Local 375	02.02.2018	02.05.2018
10-CA-214268		Local 375	02.02.2018	02.06.2018
10-CA-214277		Local 375	02.02.2018	02.06.2018
10-CA-214288		Local 375	02.02.2018	02.06.2018
10-CA-214298		Local 375	02.02.2018	02.06.2018
10-CA-214304		Local 375	02.02.2018	02.06.2018
10-CA-214309		Local 375	02.02.2018	02.06.2018
	First	Local 375	04.25.2018	04.26.2018
10-CA-214315		Local 375	02.02.2018	02.06.2018
10-CA-214434		Local 375	02.02.2018	02.08.2018
	First	Local 375	04.25.2018	04.26.2018
10-CA-214436		Local 375	02.02.2018	02.08.2018
10-CA-214448		Local 375	02.02.2018	02.08.2018

2.

Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including the following facilities located in North Carolina involved in this proceeding:

<b><u>Station Name</u></b>	<b><u>Street Address</u></b>	<b><u>City/Town</u></b>
Albermarle Station	320 S. 2 <sup>nd</sup> St.	Albermarle
Downtown Station	201 N. McDowell St.	Charlotte
Independence Carrier Annex	3717 Eastway Dr.	Charlotte
Jim Richardson Finance Unit	2127 Beatties Ford Rd., Ste B	Charlotte

Midwood Finance Unit	1233 The Plaza	Charlotte
Minuet Carrier Annex	430 Minuet Ln.	Charlotte
North Tryon Station	6700 N. Tryon St.	Charlotte
Northeast Finance Unit	1820 Harris Houston Rd.	Charlotte
Oakdale Station	1101 Sunset Rd.	Charlotte
Park Road Finance Unit	4117 Park Rd.	Charlotte
Plaza Station	4325 E. WT Harris Blvd.	Charlotte
Processing and Distribution Center	2901 Scott Futrell Dr.	Charlotte
Randolph Finance Unit	917 Wendover Rd.	Charlotte
Starmount Finance Unit	6241 South Blvd.	Charlotte
Concord Main Post Office	66 Mccachern Blvd., SE	Concord
Concord North 29 Station	455 Concord Parkway N	Concord
Fayetteville Station	301 Green St.	Fayetteville
Huntersville Station	400 Gilead Rd.	Huntersville
Kannapolis Station	1040 Dale Earnhardt Blvd.	Kannapolis
Kings Mountain Station	115 E. Gold St.	Kings Mountain
Rutherfordton Station	130 E. Court St.	Rutherfordton

3.

The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the PRA.

4.

(a) At all material times, Local 375 has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, Local 984 has been a labor organization within the meaning of Section 2(5) of the Act.

(c) At all material times, American Postal Workers Union, AFL-CIO (National Union) has been a labor organization within the meaning of Section 2(5) of the Act.

5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Marvin Bias	—	Postmaster (Albermarle Station)
Cherald Birch-Davis	—	Postmaster (Kannapolis Station)
Garland Blue	—	Officer-in-Charge (Kings Mountain Station)
Brenda Carpintero	—	Officer-in-Charge (Kannapolis Station)
Skylar Cobb	—	Supervisor (Huntersville Station)
Charlotte Cohon	—	Manager of Distribution Operations (Fayetteville Station)
Ron Cole	—	Manager (North Tryon Station)
Arvin Concepcion	—	Officer-in-Charge (Concord Main Post Office and Concord North 29 Station)
Twila Davis	—	Supervisor (Kannapolis Station)
Tammy Edwards	—	Officer-in-Charge (Rutherfordton Station)
Nyesha Hall	—	Station Manager (Northeast Finance Unit and Plaza Station)
Tashonda Harley	—	Manager (Jim Richardson Finance Unit and Oakdale Station)
Justin Henderson	—	Officer-in-Charge (Downtown Station, Independence Carrier Annex, Midwood Finance Unit, Northeast Finance Unit, Plaza Station, Processing and Distribution Center, and Randolph Finance Unit)
Joseph Maldonado	—	Customer Service Supervisor (Concord Main Post Office and Concord North 29 Station)
Debbie Napoleone	—	Station Manager (Downtown Station)

Ivy Quick	— Supervisor (Kings Mountain Station)
Gladys Torres	— Acting Postmaster (Huntersville Station)
William D. Wallace	— Acting Officer-in-Charge (Jim Richardson Finance Unit and Oakdale Station)
Ron White	— Acting Supervisor (Albermarle Station, Minuet Carrier Annex, Northeast Finance Unit, Park Road Finance Unit, Plaza Station, and Starmount Finance Unit)

6.

The following employees of Respondent (the Unit) constitute a nationwide unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in the bargaining unit for which each has been recognized and certified at the national level, including maintenance employees, motor vehicle employees, postal clerks, the special delivery messengers, mail equipment shops employees, material distribution centers employees, and operating services and facilities services employees; and excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work forces as defined in Article 7 of the Collective-Bargaining Agreement, rural letter carriers, mail handlers, and letter carriers.

7.

Since about July 20, 1971, and at all material times, the National Union has been the designated exclusive collective-bargaining representative of the Unit employed by Respondent and during that time, the National Union, and its affiliated Locals on behalf of the National Union, including Local 375 and Local 984, have been recognized as such representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from May 21, 2015, through September 20, 2018.

8.

At all material times since about July 20, 1971, by virtue of Section 9(a) of the Act, the National Union has been the exclusive collective-bargaining representative of the Unit.

**ALBERMARLE**

Albermarle Station (Case 10-CA-214112)

9.

On October 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the ALBERMARLE POST OFFICE for FY 2017.
2. All work assignment sheets for custodians FY 2017.
3. A copy of all forms 4851 for FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

10.

The information requested by Local 375, as described above in paragraph 9, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

11.

(a) From about October 27, 2017, to about February 16, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employees Everything Reports requested by it as described above in paragraph 9.

(b) From about October 27, 2017, to about February 12, 2018, Respondent unreasonably delayed in furnishing Local 375 with the work assignment sheets, Forms 4851, and clerk hours of operations requested by it as described above in paragraph 9.



**CHARLOTTE**

Downtown Station (Case 10-CA-214235)

12.

On October 26, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the Downtown Station for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. Copy of all forms 4851 for FY 2017.
4. Clerk hours of operations for your facility FY 2017.

13.

The information requested by Local 375, as described above in paragraph 12, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

14.

From about October 26, 2017, to about February 26, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 12.

Independence Carrier Annex/Midwood Finance Unit/  
Randolph Finance Unit (Case 10-CA-214228)

15.

On October 26, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the INDEPENDENCE/MIDWOOD FINANCE/RANDOLPH FINANCE Station for FY 2017.
2. All work assignment sheets for custodians for FY 2017.

3. A copy of all forms 4851 for FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

16.

The information requested by Local 375, as described above in paragraph 15, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

17.

From about October 26, 2017, to about February 26, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 15.

Jim Richardson Finance Unit/  
Oakdale Station (Case10-CA-214436)

18.

On October 26, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the Oakdale/Jim Richardson Station for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4851 for FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

19.

The information requested by Local 375, as described above in paragraph 18, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

20.

(a) From about October 26, 2017, to about March 16, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employee Everything Reports, Forms 4851, and the clerk hours of operations requested by it as described above in paragraph 18.

(b) Since about October 26, 2017, Respondent has failed and refused to furnish Local 375 with the work assignment sheets requested by it as described above in paragraph 18.

Minuet Carrier Annex/Park Road Finance Unit/  
Starmount Finance Unit (Case 10-CA-214114)

21.

On October 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the MINUET CARRIET ANNEX/PARK ROAD FINANCE/STARMOUNT FINANCE Station for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4857 for FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

22.

The information requested by Local 375, as described above in paragraph 21, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

23.

From about October 27, 2017, to about February 12, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 21.

North Tryon Station (Case 10-CA-214237)

24.

On October 26, 2017, and again on November 14, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the North Tryon/30 Street Station for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4851 for FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

25.

The information requested by Local 375, as described above in paragraph 24, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

26.

(a) From October 26, 2017, to about March 6, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employee Everything Reports requested by it as described above in paragraph 24.

(b) From October 26, 2017, to about March 5, 2018, Respondent unreasonably delayed in furnishing Local 375 with the work assignment sheets, Forms 4851, and clerk hours of operations requested by it as described above in paragraph 24.

Northeast Finance Unit/Plaza Station (Case 10-CA-214304)

27.

On October 26, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 at the PLAZA Station/NORTHEAST FINANCE for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4851 FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

28.

The information requested by Local 375, as described above in paragraph 27, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

29.

From about October 26, 2017, to about February 26, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 27.

Processing and Distribution Center (Cases 10-CA-214107,  
10-CA-214109, 10-CA-214180, 10-CA-214309, and 10-CA-214434)

30.

On November 21, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information for Job # 71322137 – CLT-BALLANTYNE:

1. Name of person vacating position and date vacated.
2. Copy of everything you considered in reaching the decision to revert.
3. Copy of all duty assignments (APWU) including incumbents in **CLT-BALLANTYNE Station**.
4. Copy of all work load changes regarding this position, last six months.

5. Copy of all efforts made to maintain desirable duty assignments.
6. Work hour reports in PDF&CSV format for FTRs, PSEs and overtime usage last six months.
7. Copy of LTATS report for last six months.
8. Copy of Standby report for all employees in office.
9. Copy of current clerk craft seniority list.
10. List of all PSEs and DES/ACT code.
11. Reports of wait time in line failures for last six months.
12. Date you requested to post position in Dashboard.
13. Dashboard recommendation results.

31.

On November 7, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information for Job #95310163 – CHARLOTTE P&DC:

1. Name of person vacating position and date vacated.
2. Copy of everything you considered in reaching the decision to revert.
3. Copy of all duty assignments (APWU) including incumbents in **Charlotte P&DC**.
4. Copy of all work load changes regarding this position, last six months.
5. Copy of all efforts made to maintain desirable duty assignments.
6. Work hour reports in PDF&CSV format for FTRs, PSEs and overtime usage last six months.
7. Copy of LTATS report for last six months.
8. Copy of Standby report for all employees in office.
9. Copy of current clerk craft seniority list.
10. List of all PSEs and DES/ACT code.
11. Reports of wait time in line failures for last six months.
12. Date you requested to post position in Dashboard.
13. Dashboard recommendation results.

32.

On November 21, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information for Job #95387517 – CLT-DOWNTOWN:

1. Name of person vacating position and date vacated.
2. Copy of everything you considered in reaching the decision to revert.
3. Copy of all duty assignments (APWU) including incumbents in **CLT-DOWNTOWN Station**.
4. Copy of all work load changes regarding this position, last six months.
5. Copy of all efforts made to maintain desirable duty assignments.

6. Work hour reports in PDF&CSV format for FTRs, PSEs and overtime usage last six months.
7. Copy of LTATS report for last six months.
8. Copy of Standby report for all employees in office.
9. Copy of current clerk craft seniority list.
10. List of all PSEs and DES/ACT code.
11. Reports of wait time in line failures for last six months.
12. Date you requested to post position in Dashboard.
13. Dashboard recommendation results.

33.

On December 19, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information for Job #71495191– CLT-DOWNTOWN:

1. Name of person vacating position and date vacated.
2. Copy of everything you considered in reaching the decision to revert.
3. Copy of all duty assignments (APWU) including incumbents in **CLT-DOWNTOWN Station**.
4. Copy of all work load changes regarding this position, last six months.
5. Copy of all efforts made to maintain desirable duty assignments.
6. Work hour reports in PDF&CSV format for FTRs, PSEs and overtime usage last six months.
7. Copy of LTATS report for last six months.
8. Copy of Standby report for all employees in office.
9. Copy of current clerk craft seniority list.
10. List of all PSEs and DES/ACT code.
11. Reports of wait time in line failures for last six months.
12. Date you requested to post position in Dashboard.
13. Dashboard recommendation results.

34.

On November 7, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information for Job #95283855– CLT-OAKDALE:

1. Name of person vacating position and date vacated.
2. Copy of everything you considered in reaching the decision to revert.
3. Copy of all duty assignments (APWU) including incumbents in **Oakdale Station**.
4. Copy of all work load changes regarding this position, last six months.
5. Copy of all efforts made to maintain desirable duty assignments.
6. Work hour reports in PDF&CSV format for FTRs, PSEs and overtime usage last six months.
7. Copy of LTATS report for last six months.

8. Copy of Standby report for all employees in office.
9. Copy of current clerk craft seniority list.
10. List of all PSEs and DES/ACT code.
11. Reports of wait time in line failures for last six months.
12. Date you requested to post position in Dashboard.
13. Dashboard recommendation results.

35.

The information requested by Local 375, as described above in paragraphs 30 through 34, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

36.

(a) From about November 21, 2017, to about March 28, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraphs 30 and 32.

(b) From about November 7, 2017, to about February 7 or 8, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraphs 31 and 34.

(c) From about December 19, 2017, to about March 28, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 33.

### CONCORD

Concord Main Post Office (Cases 10-CA-214268 and 10-CA-214315)

37.

On October 27, 2017, and again on November 13, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:



1. TACS Employees Everything Reports for all LDC 38 Employees at the CONCORD MAIN POST OFFICE for FY 2017.
2. All work assignment sheets for custodians FY 2017.
3. A copy of all forms 4851 FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

38.

On November 30, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Reasons for the Reversion of job #70825141.
2. Copy of number PSE's on rolls, number of hours worked and schedules.
3. Current overtime rate.
4. Any limited/light duty assignment in office in the clerk craft.
5. Any attrition for 2017.
6. Copy of original posting of the duty assignment being reverted.
7. All hiring request 2017.

39.

The information requested by Local 375, as described above in paragraphs 37 and 38, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

40.

(a) From about October 27, 2017, to about February 16, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employees Everything Reports, work assignment sheets, and Forms 4851 requested by it as described above in paragraph 37.

(b) Since about October 27, 2017, Respondent has failed and refused to furnish Local 375 with the clerk hours of operation requested by it as described above in paragraph 37.

(c) From about November 30, 2017, to February 16, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 38.

Concord North 29 Station (Cases 10-CA-214298 and 10-CA-214448)

41.

On August 30, 2017, and again on September 13, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of Bob Fuller's time records from 8/28/17 until his return to work.
2. Copy of any and all correspondence, emails, documents and files relief upon to support the EP of the employee.
3. Copy of any notices/contacts with or to the local police, postal inspectors or District Threat Assessment Team and the dates/times and persons spoken to.

42.

On November 19, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the CONCORD NORTH 29 POST OFFICE for FY 2017.
2. All work assignment sheets for custodians FY 2017.
3. A copy of all forms 4851 FY 2017.
4. Clerk hours of operations for your facility for FY 2017

43.

The information requested by Local 375, as described above in paragraphs 41 and 42, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

44.

(a) Since about August 30, 2017, Respondent has failed and refused to furnish Local 375 with the information regarding notices/contacts with local police, postal inspectors and the District Threat Team requested by it as described above in paragraph 41.

(b) From about November 19, 2017, to about February 16, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employees Everything Reports, work assignment sheets, and Forms 4851 requested by it as described above in paragraph 42.

(c) Since about November 19, 2017, Respondent has failed and refused to furnish Local 375 with the clerk hours of operations requested by it as described above in paragraph 42.

### FAYETTEVILLE

#### Fayetteville Station (Case 10-CA-214017)

45.

On November 8, 2017, Local 984 requested, in writing, that Respondent furnish it with the following information:

Request TAC 500R3 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 120R2 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 500R6 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 120R3 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 500R1 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 500R9 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 500R8 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 860R1 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 800R3 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 800R4 report for all employees on tour 1 from Jan. 2016-present.

46.

On November 8, 2017, Local 984 requested, in writing, that Respondent furnish it with the following information:

Request TAC 800R9 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 800R6 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 500R5 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 120R7 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 120R4 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 020R2 report for all employees on tour 1 from Jan. 2016-present.

Request TAC 840R4 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 860R3 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 800R1 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 800R2 report for all employees on tour 1 from Jan. 2016-present.

47.

On November 8, 2017, Local 984 requested, in writing, that Respondent furnish it with the following information:

Request TAC 102R8 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 100R2 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 100R3 report for all employees on tour 1 from Jan. 2016-present.  
Request TAC 100R1 report for all weeks from Jan. 2016-present.

48.

On November 15, 2017, Local 984 requested, in writing, that Respondent furnish it with the following information:

Request copy of all employees on limited and light duty on Tour 1.  
Request all limited duty job offers provide for those employees.  
Request Copy of the original job bids and tours job bid is own for all employees.  
Request copy of duration of all limited duty offers.  
Request copy of any employee that has meet MMI for injury.

49.

The information requested by Local 984, as described above in paragraphs 45 through 48 is necessary for, and relevant to, Local 984's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

50.

(a) From about November 8, 2017, to about February 27, 2018, Respondent unreasonably delayed in furnishing Local 984 with the information requested by it as described above in paragraphs 45 through 47.

(b) From about November 15, 2017, to about February 27, 2018, Respondent unreasonably delayed in furnishing Local 984 with the information requested by it as described above in paragraph 48.

### HUNTERSVILLE

Huntersville Station (Case 10-CA-214111)

51.

On October 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the HUNTERSVILLE POST OFFICE for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4851 FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

52.

The information requested by Local 375, as described above in paragraph 51, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

53.

(a) From about October 27, 2017, to about February 6, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employees Everything Reports requested by it as described above in paragraph 51.

(b) From about October 27, 2017, to about February 5, 2018, Respondent unreasonably delayed in furnishing Local 375 with the work assignment sheets and Forms 4851 requested by it as described above in paragraph 51.

### KANNAPOLIS

Kannapolis Station (Cases 10-CA-214106, 10-CA-214133, 10-CA-214143, 10-CA-214160, 10-CA-214175, 10-CA-214182, 10-CA-214188, 10-CA-214201, 10-CA-214203, 10-CA-214277, and 10-CA-214288)

54.

On December 11, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of clock-rings for all clerks for 12/7/17.
2. Copy of schedule for same date as item 1.
3. Copy of ODL for 4th quarter.

55.

On August 29, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. COPY OF clock-rings for Debra Aldridge for PP18-1 & 2.
2. COPY OF for ODL for 3rd Quarter 2017 & sign up.
3. Copy of OT alert Report for PP 18-1 & 2.
4. Copy of clerk schedule for month of Aug 2017.

56.

On November 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of CCA's Jason Curry & Susan Almond time records, or other record showing number of bargaining unit work performed on 11/24/17.
2. Copy of Loan Hour Transfer Reports same dates as #1.

3. Copy of clerks schedules for same dates as #1.
4. Copy of time records, clock rings and/or time cards for Clerks for same dates as #1.
5. ODL for 4th quarter 2017.

57.

On November 17, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

- A. Copy of clerk craft leave book, roster or calendar for 1/1/18 thru 16/30/17.
- B. Copy of all PS 3971's, clerk craft for same dates above denied & approved.
- C. Listing of all Clerk Craft Employees, Kannapolis NC installations.

58.

On August 2, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. COPY OF clock-rings for Tashionna Kennedy for PP 14-1 to present.
2. COPY OF schedule PP 14-1 to present.
3. COPY of OT alert Report 14-1 to present.
4. COPY of ODL for 2nd and 3rd quarter.

59.

On November 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of Loan Hour Transfer Reports PP24-1.
2. Copy of time records, clock rings and/time cards for all clerks and city carriers in Office, PP24-1 Jazine & Stephanie (CCA's) & Rural Carrier's (everything report).
3. Copy of mail volume reports PP24-1.

60.

On January 14, 2018, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of clerk craft leave book.

2. Copy of PS 3971's, clerk craft for 1 January 2018 thru 30 June 2018.
3. Listing of all Clerk Craft Employees, Kannapolis NC installation.

61.

On January 14, 2018, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of PS 3971's clerk craft for 1 January 2018 thru 30 June 2018 approved & disapproved.
2. Listing of all Clerk Craft Employees, Kannapolis NC installation.
3. All PS 3971's for Jasmine Arthur denied & approved for 2017 and 2018.

62.

On August 23, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of clerk craft leave book, roster or calendar for Sept 1 thru Sept 10, 2017.
2. Copy of all PS 3971's, clerk craft for same dates above denied & approved.
3. Listing of all Clerk Craft Employees, Kannapolis NC installation.

63.

On December 13, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of Loan Hour Transfer Reports, PP 25-2.
2. Copy of Flash report PP 25-2.
3. Copy of time records, clock rings and/or time cards for all Clerks and carriers Mayo, Jazmine, Johnny Mae, Matt, Ranal & Avery for PP 25-2.
4. Copy of any instructions related to recording RCA's & Carriers performance of bargaining unit work in the clerk craft.
5. Copy of ODL for clerk in 4th quarter 2017.
6. Copy of clock rings for Eddie (maintenance) PP 25-2.
7. Copy of all 1723's for 2017.



64.

On October 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the KANNAPOLIS POST OFFICE for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4851 FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

65.

The information requested by Local 375, as described above in paragraphs 54 through 64, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

66.

(a) From about December 11, 2017, to about April 10, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 54.

(b) From about August 29, 2017, to about April 10, 2018, Respondent unreasonably delayed furnishing Local 375 with the information requested by it as described above in paragraph 55.

(c) Since about November 27, 2017, Respondent has failed and refused to furnish Local 375 with Curry's and Almond's time records or other records "showing the number of bargaining unit work performed on 11/24/17," requested by it as described above in paragraph 56.

(d) From about November 17, 2017, to about April 10, 2018, Respondent unreasonably delayed furnishing Local 375 with the information requested by it as described above in paragraph 57.

(e) From about August 2, 2017, to about February 8, 2018, Respondent unreasonably delayed furnishing Local 375 with the information requested by it as described above in paragraph 58.

(f) From about November 27, 2017, to about March 3, 2018, Respondent unreasonably delayed furnishing Local 375 with the loan hour transfer reports, clock rings and time records for city carriers and CCA's Jazine and Stephanie, everything reports for rural carriers, and mail volume reports requested by it as described above in paragraph 59.

(g) From about January 14, 2018, to about April 10, 2018, Respondent unreasonably delayed furnishing Local 375 with the PS 3971s and listing of clerk craft employees requested by it as described above in paragraphs 60 and 61.

(h) From about August 23, 2018, to about April 10, 2018, Respondent unreasonably delayed furnishing Local 375 with the information requested by it as described above in paragraphs 62.

(i) From about December 13, 2017, to about April 10, 2018, Respondent unreasonably delayed furnishing Local 375 with the information requested by it as described above in paragraphs 63.

(j) From about October 27, 2017, to about April 10, 2018, Respondent unreasonably delayed furnishing Local 375 with the Employees Everything Reports and work assignment sheets requested by it as described above in paragraph 64.

(k) Since about October 27, 2017, Respondent has failed and refused to furnish Local 375 with the Forms 4851 and clerk hours of operations requested by it as described above in paragraph 64.

### **KINGS MOUNTAIN**

#### **Kings Mountain Station (10-CA-214217)**

67.

On October 27, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. TACS Employees Everything Reports for all LDC 38 Employees at the KINGS MOUNTAIN POST OFFICE for FY 2017.
2. All work assignment sheets for custodians for FY 2017.
3. A copy of all forms 4851 FY 2017.
4. Clerk hours of operations for your facility for FY 2017.

68.

The information requested by Local 375, as described above in paragraph 67, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

69.

(a) From about October 27, 2017, to about March 22, 2018, Respondent unreasonably delayed in furnishing Local 375 with the Employees Everything Reports as requested by it as described above in paragraph 67.

(b) From about October 27, 2017, to about March 27, 2018, Respondent unreasonably delayed in furnishing Local 375 with the work assignment sheets and Forms 4851 requested by it as described above in paragraph 67.

(c) From about October 27, 2017, to about March 19, 2018, Respondent unreasonably delayed in furnishing Local 375 with the clerk hours of operations requested by it as described above in paragraph 67.

### **RUTHERFORDTON**

#### **Rutherfordton Station (10-CA-214223)**

70.

On August 28, 2017, Local 375 requested, in writing, that Respondent furnish it with the following information:

1. Copy of clock rings and/or time cards for all Clerks, for PP 18-1 & -2.
2. Copy of all 3971's for Aug 2017.
3. Copy of any & all emails or correspondence directing clerks to work 10/12 hours per day.

71.

The information requested by Local 375, as described above in paragraph 70, is necessary for, and relevant to, Local 375's performance of its duties for the National Union, the exclusive collective-bargaining representative of the Unit.

72.

From about August 28, 2017, to about March 7, 2018, Respondent unreasonably delayed in furnishing Local 375 with the information requested by it as described above in paragraph 70.

73.

By the conduct described above in paragraphs 11, 14, 17, 20, 23, 26, 29, 36, 40, 44, 50, 53, 66, 69, and 72, Respondent has been failing and refusing to bargain collectively and in good

faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act and within the meaning of the PRA.

### REMEDIES

In view of Respondent's extensive history of repeated unfair labor practice violations found by the Board and courts, as well as the similarity of the prior violations to the unfair labor practices alleged above in paragraphs 11, 14, 17, 20, 23, 26, 29, 36, 40, 44, 50, 53, 66, 69, and 72, the General Counsel seeks an Order requiring Respondent, in addition to the conventional remedies for the violations alleged:

(a) Upon request, furnish Local 375 and Local 984, or any other union with which Respondent has an exclusive collective-bargaining relationship at its facilities listed above in paragraph 2, with necessary and relevant information in a timely and appropriate manner.

(b) Waive for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information that the Local 375 and 984 missed due to Respondent's delay in providing the information requested as described in paragraphs 9, 12, 15, 18, 21, 24, 27, 30 through 34, 37, 38, 41, 42, 45 through 48, 51, 54 through 64, 67, and 70.

(c) Maintain a log at Respondent's facilities located above in paragraph 2, in which Respondent will immediately record each information request that Local 375, Local 984, or any other union with which Respondent has an exclusive collective-bargaining relationship, tendered to Respondent orally or in writing, at that facility. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the Union and unit involved; the name of the supervisor who received the request; the date the request was made; and the date that Respondent's manager or supervisor

provided Local 375, Local 984, or other such union, with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that Respondent will need additional time to furnish the information, the manager or supervisor will inform the appropriate union representative, in writing, requesting additional time and explaining the need for the additional time. Union stewards will be granted access to the logs, upon request.

(d) Provide for each manager and supervisor who is designated to receive union requests for information at Respondent's facilities located above in paragraph 2, annual training that encompasses how to maintain the log and how to tender the relevant information that Local 375, Local 984, or any other such union, requested; require that each such supervisor and manager sign an acknowledgment form attesting to the fact that he or she has completed this training. A copy of this acknowledgement form shall be maintained in the supervisor's or manager's training and history files. Supervisors or managers who fail reasonably to supply relevant information, or who fail to supply such information timely, to Local 375, Local 984, or other such union, will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of the supervisor or manager.

(e) Notify Union stewards at Respondent's facilities located above in paragraph 2, the manager or supervisor who is designated to receive union requests for information at the facility and when that designated manager or supervisor has changed.

(f) Require Respondent's legal or labor relations department to conduct semi-annual audits of the logs at Respondent's facilities located above in paragraph 2, to ensure that Local 375's, Local 984's, and other such union's information requests are being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the

audit, the legal or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(g) Within 14 days of service by the Region:

(i) Post at each of Respondent's facilities located above in paragraph 2, copies of the Notice to Employees that the Regional Director for Region 10 shall provide to Respondent for posting. The Region will provide copies of the notice that the Respondent will be required to duplicate in color at its own expense, before posting. The duplicated copies, after being signed by Respondent's authorized representative, shall be posted by Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted;

(ii) Electronically post the Notice to Employees for employees at Respondent's facilities located above in paragraph 2 if Respondent customarily uses electronic means such as an electronic bulletin board, email, website, or intranet to communicate with those employees; and

(iii) Send a copy of any Board Order and Notice to Employees to all its supervisors and managers employed at Respondent's facilities located above in paragraph 2.

(h) Within 21 days after service by the Region, file with the Regional Director a signed and sworn Certification of Compliance, Part 1 form certifying that it has complied with this Order. The certification shall include a copy of the documents signed by a responsible official attesting to the dates that the notices were received at each facility, the dates that the notices were posted, where the notices were posted; the certification shall also include the dates Respondent sent the Board Order and Notice to its supervisors and managers, a list of the names

and job titles of the individuals to whom Respondent sent them, and the method Respondent employed to send them.

(i) Upon request, provide to the Regional Director of Region 10 or his designee, copies of the logs described above in subparagraph (c); the acknowledgement forms, audit reports, and discipline described above in subparagraph (d); and the semi-annual audits and reports from Respondent's legal or labor relations department described above in subparagraph (f).

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before June 14, 2018, or postmarked on or before June 13, 2018.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than two hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was



off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a PDF document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a PDF file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

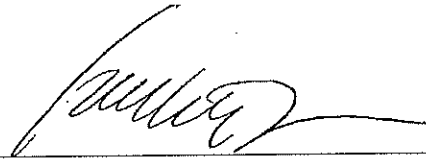
#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **October 1, 2018, at 10:00 a.m. in the Paris Favors Hearing Room at the National Labor Relations Board, Subregion 11, 4035 University Parkway, Suite 200, Winston-Salem, North Carolina**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668.

The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 31, 2018

John D. Doyle Jr.  
Regional Director  
National Labor Relations Board  
Region 10, by



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Scott C. Thompson  
Officer-In-Charge  
National Labor Relations Board  
Subregion 11  
4035 University Pkwy Suite 200  
Winston Salem, NC 27106-3275

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules and regs part 102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.